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A TREATISE ON THE LAW OF CARRIERS. By DeWitt C. Moore of the Johnstown, N. Y. Bar. Albany: Matthew Bender & Co., 1914. pp. cclxxxii, 2444.

In reviewing the first edition of this work, 5 MICH. L. REV. 153, it was suggested that it was too voluminous for the law student who studies a text instead of a case-book, and not full enough for the practitioner who seeks in a text a wide variety of illustration, a clear and full reasoning upon fundamental principles, and a masterly discrimination between conflicting or apparently conflicting rules of law. The second edition frankly seeks to meet the needs of the practitioner in the fuller statements and greater variety of illustration. The one volume of the first edition has increased to three in the second. The actual increase, however, is not so great as this would suggest, for the book is subject to the criticism that may well be made of many recent law books, that they are bulked past all reason by the use of heavy paper and an apparent effort not to put too much matter on a page. The result is an expensive book that takes up an inordinate amount of shelf room. The young lawyer cannot afford the expense, nor the older one the shelf room. Thinner paper, and a much closer print for the tables and indices is a much needed change. The first edition in its table of cases printed about 40 to the column and had a total of 107 pages of cases. In the second edition we find about 25 to the column and 207 pages are required for the table. One has to turn past 288 pages of prefaces and tables before reaching the first page of text, and the first volume contains but 580 pages of text! The third volume contains 277 pages of index against 73 in the first edition. The latter contains 948 pages of text, exclusive of appendices, as against 2,042 in the second, so that when allowance is made for the greater amount of matter on a page in the first edition it would appear that the second contains not much less than twice as much printed text and notes as the first, with a corresponding amplification of subjects and discussion and illustration of principles.

Leaving this mechanical, though somewhat suggestive, comparison, it may be noted that the work has now the advantage of the long line of important cases since 1906, especially those passing on the Railroad Rate Act. When the first edition appeared so many changes seemed imminent that a text was likely to be badly out of date the day after it was printed, but now there is some reason to suppose most of the principles then in flux are fairly well settled. One is astounded however to note how little the author seems to have apprehended the decisions of the United States Supreme Court on the Carmack Amendment to the Hepburn Act. He could not of course in 1914, when the book went to the printer, know, though from the trend of a long line of cases he should surely have surmised, that the United States Supreme Court would decide in February, 1915, that the effect of the Act was to make valid a limitation of liability to \$50 on a carload of automobiles shipped by express which were worth over \$15,000, nor that by March 4th the President would have affixed his signature to the Cummins Act, passed to overrule this interpretation of the Carmack Amendment. And he would be expected to note that *Latta v. Chicago etc. R. Co.*, which he cites on p. 1927 to the point that the proviso of the Carmack Amendment "leaves a shipper free to resort to the laws of a State applicable to his contract" had been

utterly overruled by a long line of cases, beginning with the cases cited by the author in note 45, p. 1915, and reviewed in the MICH. L. REV., vol. 11, p. 460, vol. 11, p. 588, and vol. 10, p. 317. These cases, followed many times by every state court considering the matter since 1913, hold that state laws are entirely supplemented by this amendment, which shows the intent of Congress to "take possession of the subject and supersede all state regulation with reference to it." On the same day three cases, including the *Latta* case, appealed from state courts were decided and the *Latta* case was expressly overruled on this point.

It is equally surprising that the author sometimes states a large number of principles much as they were stated in the cases cited to support them, and does not notice that the cases cited, all as good law, are in irreconcilable conflict, or indeed in conflict at all. Thus in Sec. 3, pp. 1916-1918 such statements are given as good law, as shown by decisions in the courts of Alabama, Arkansas, Georgia, Iowa, Kentucky, Minnesota, Mississippi and Tennessee, to the effect that contracts limiting the liability of the carrier to a fixed amount in consideration of the rate charged, (where the actual value of the goods shipped is much greater than the amount so stated) are void, as against the written or common law in those states. In the same Section 3, with no suggestion of a conflict, other statements are given as good law, as shown by decisions in Massachusetts, New Jersey, New York and the United States courts, upholding such limitations, and expressly repudiating the doctrine of the first mentioned states. In this connection the most important cases, the *Croninger*, *Carl*, *Robinson* and *Hooker* cases already referred to, are entirely omitted from the citations. The *Pierce* case, decided last February, which is elsewhere reviewed, p. 590, has of course been decided since this work appeared.

Such objections as those pointed out above might be less emphasized in the review of a less important work. But the first edition has already gained for itself such a place with the profession, and has been so often cited by the courts, that there seems the more reason that the many excellences of the book should not be so far neutralized by such defects, some of them very serious. While each separate statement in Sec. 3, above referred to, can be justified, the total effect of the section is confusing and erroneous.

The appendix is a useful addition. It consists of the Act to Regulate Commerce (as amended) revised to January 1, 1914. The work as a whole, if corrected where misleading or wrong, is now sufficiently amplified to be a very valuable one for every practitioner dealing with the law of carriers.

E. C. G.

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THE LAW OF WILLS AND THE ADMINISTRATION OF ESTATES. Enlarged edition. By William Patterson Borland, of the Kansas City bar, representative in Congress, lecturer on wills in faculty of Kansas City School of Law, Dean of Kansas City School of Law 1895 to 1909. A comprehensive work in one volume. Kansas City, Mo. Vernon Law Book Company, 1915. pp. xv, 723.

We learn from the preface that the first edition from which this one is enlarged was an expansion of the author's lectures; and that in the present